

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

RONALD E. LEWIS)	
Claimant)	
VS.)	
)	
CESSNA AIRCRAFT CO.)	Docket No. 199,994
Respondent)	
Self-Insured)	

ORDER

Claimant appeals from an August 4, 1997, Award entered by Administrative Law Judge John D. Clark. The Appeals Board heard oral argument on January 14, 1998.

APPEARANCES

Claimant appeared by his attorney, Dale V. Slape of Wichita, Kansas. Respondent appeared by its attorney, Edward D. Heath, Jr. of Wichita, Kansas.

RECORD AND STIPULATIONS

The Appeals Board considered the record and adopted the stipulations listed in the Award.

ISSUES

The Administrative Law Judge denied claimant an award of compensation finding claimant's injury did not arise out of and in the course of his employment with respondent. That is the only issue before the Appeals Board.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Having reviewed the entire record and having considered the briefs and arguments of the parties, the Appeals Board finds that the Award entered by the Administrative Law Judge should be affirmed.

The findings of fact and conclusions of law enumerated in the Award by the Administrative Law Judge are found to be accurate and are adopted by the Appeals Board. The Appeals Board agrees that claimant has not sustained his burden of proof that his injury resulted from an accident that arose out of his employment. The Appeals Board agrees with the analysis of the record by the Administrative Law Judge regarding the nature of the testimony and medical evidence. That is, claimant's various descriptions of his accidental injury and onset of symptoms are inconsistent with the descriptions contained in the medical records.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award entered by Administrative Law Judge John D. Clark, dated August 4, 1997, should be, and is hereby affirmed.

IT IS SO ORDERED.

Dated this ____ day of February 1998.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Dale V. Slape, Wichita, KS
Edward D. Heath, Jr., Wichita, KS
John D. Clark, Administrative Law Judge
Philip S. Harness, Director